

- IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK
ROCHESTER DIVISION**

5. Establish a date for a Fairness Hearing.

In addition, concurrently herewith, Plaintiff Kuebel files a Memorandum of Law in Support of this Motion and the Declaration of Alan G. Crone. Finally, attached hereto as “Exhibit A” is a Proposed Order on Motion for Certification of New York Labor Law Class Action, Conditional Certification of FLSA Class, and Preliminary Approval of Settlement and Proposed Notice.

Dated: October 19, 2012

s/ Alan G. Crone
CRONE & MCEVOY, PLC
Class Counsel
5583 Murray Rd., Suite 120
Memphis, TN 38119
Telephone: (901) 737-7740

THOMAS & SOLOMON LLP
Class Counsel
693 East Avenue
Rochester, New York 14607
Telephone: (585) 272-0540

CERTIFICATE OF SERVICE

I hereby certify that the foregoing pleading was filed electronically and notice of such filing was made electronically to Defendant's counsel pursuant to the Electronic Case Filing Rules of the United States District Court for the Western District of New York on October 19, 2012:

Brian P. Crosby, Esq.
Elizabeth M. Bergen, Esq.
GIBSON, MCASKILL & CROSBY, LLP
69 Delaware Avenue, Suite 900
Buffalo, New York 14202

Lee T. Paterson, Esq.
Monique Ngo-Bonnici, Esq.
Amanda C. Sommerfeld, Esq.
WINSTON & STRAWN LLP
333 S. Grand Ave. (38th FL)
Los Angeles, California 90017

s/ Alan G. Crone _____